

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREGG R. CARIGNAN,	:	CIVIL ACTION NO. 1:17-CV-2161
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
ELIZABETH S. BECKLEY, <i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 24th day of June, 2019, upon consideration of the order (Doc. 5) issued by Magistrate Judge William I. Arbuckle on July 30, 2018, wherein Judge Arbuckle concluded that the complaint (Doc. 1) of *pro se* plaintiff Gregg R. Carignan (“Carignan”) fails to state a claim for which relief may be granted, identified the manifold deficiencies in the complaint, directed Carignan to file an amended pleading on or before August 27, 2018, and admonished that failure to file an amended pleading would result in a recommendation that this action be dismissed, and further upon consideration of Judge Arbuckle’s report (Doc. 6) of March 14, 2019, wherein Judge Arbuckle notes that Carignan failed to file an amended pleading and recommends that the court dismiss Carignan’s complaint (Doc. 1) for failure to state a claim for the reasons outlined in his July 30, 2018 order, and it appearing that Carignan has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson,

812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Arbuckle’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 6) of Magistrate Judge Arbuckle is ADOPTED.
2. Carignan’s complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania